

Regional Administrator shall forward his or her evaluation of the exercise conducted for continued FEMA approval to the Deputy Administrator for the National Preparedness Directorate including the certification that changes and corrective measures have been made.

(e) Following the exercise conducted for continued FEMA approval, the Regional Administrator shall conduct a meeting in the vicinity of the nuclear power facility which will include the exercise participants, representatives from the NRC and other appropriate Federal agencies and the public and media as observers. The purpose of this meeting is to discuss the evaluation of the exercise. At the discretion of the Regional Administrator, written comments from the public and media may be submitted at or after the meeting. These comments will be taken into consideration by the Regional Administrator in his or her evaluation.

(f) After FEMA approval of a State and local plan has been granted, failure to exercise the State and local plans at the frequency and participation described in this section shall be grounds for withdrawing FEMA approval. (See § 350.13.)

§ 350.10 Public meeting in advance of FEMA approval.

(a) During the FEMA Regional Office review of a State plan and prior to the submission by the Regional Administrator of the evaluation of the plan and exercise to the Deputy Administrator for the National Preparedness Directorate, the FEMA Regional Administrator shall assure that there is at least one public meeting conducted in the vicinity of the nuclear power facility. The purpose of such a meeting, which may be conducted by the State or by the Regional Administrator, shall be to:

(1) Acquaint the members of the public in the vicinity of each facility with the content of the State and related local plans, and with the conduct of the joint exercise which tested the plans;

(2) Answer any questions about FEMA review of the plan and the exercise;

(3) Receive suggestions from the public concerning improvements or changes that may be necessary; and

(4) Describe to the public the way in which the plan is expected to function in the event of an actual emergency.

(b) The Regional Administrator should assure that representatives from appropriate State and local government agencies, and the affected utility appear at such meetings to make presentations and to answer questions from the public. The public meeting should be held after the first joint (utility, State and local governments) exercise at a time mutually agreed to by State and local authorities, licensee and FEMA and NRC Regional officials. This meeting shall be noticed in the local newspaper with the largest circulation in the area, or other such media as the Regional Administrator may select, on at least two occasions, one of which is at least two weeks before the meeting takes place and the other is within a few days of the meeting date. Local radio and television stations should be notified of the scheduled meeting at least one week in advance. Representatives from NRC and other appropriate Federal agencies should also be invited to participate in these meetings. If, in the judgment of the FEMA Regional Administrator, the public meeting or meetings reveal deficiencies in the State plan and/or the joint exercise, the Regional Administrator shall inform the State of the fact together with recommendations for improvement. No FEMA approval of State and local plans and preparedness shall be made until a meeting described in this paragraph shall have been held at or near the nuclear power facility site for which the State is seeking approval.

§ 350.11 Action by FEMA Regional Administrator.

(a) Upon completion of his or her review, including conduct of the exercise required by § 350.9 and after the public meeting required by § 350.10, the Regional Administrator shall prepare an evaluation of the State plan, including plans for local governments. Such evaluation shall be specific with respect to

the plans applicable to each nuclear facility so that findings and determinations can be made by the Deputy Administrator for the National Preparedness Directorate on a site-specific basis.

(b) The Regional Administrator shall evaluate the adequacy of State and local plans and preparedness on the basis of the criteria set forth in §350.5, and shall report the evaluation with respect to each of the planning standards mentioned therein as such apply to State and local plans and preparedness.

(c) The Regional Administrator shall forward the State plan together with his or her evaluation and other relevant record material to the Deputy Administrator for the National Preparedness Directorate. Relevant record material will include the results of the exercise (i.e., deficiencies noted and corrections made), a summary of the deficiencies identified during the public meeting, recommendations made to the State and commitments made by the State for effecting improvements in its plans and preparedness and actions taken by the State.

§350.12 FEMA Headquarters review and approval.

(a) Upon receipt from a Regional Administrator of a State plan, the Deputy Administrator for the National Preparedness Directorate shall conduct such review of the State plan as he or she shall deem necessary. The Deputy Administrator for the National Preparedness Directorate shall arrange for copies of the plan, together with the Regional Administrator's evaluation, to be made available to the members of the Federal Radiological Preparedness Coordinating Committee (FRPCC) and to other offices of FEMA with appropriate guidance relative to any assistance that may be needed in the FEMA review and approval process.

(b) If, after formal submission of the State plan and the Regional Director's evaluation, the Deputy Administrator for the National Preparedness Directorate determines that the State plans and preparedness:

(1) Are adequate to protect the health and safety of the public living in the vicinity of the nuclear power facility by providing reasonable assurance

that appropriate protective measures can be taken offsite in the event of a radiological emergency; and

(2) Are capable of being implemented (e.g. adequacy and maintenance of procedures, training, resources, staffing levels and qualification and equipment adequacy); the Deputy Administrator for the National Preparedness Directorate shall approve in writing the State plan. The Deputy Administrator for the National Preparedness Directorate shall concurrently communicate this FEMA approval to the Governor of the State(s) in question, the NRC and the pertinent Regional Administrator(s) and immediately shall publish in the FEDERAL REGISTER a notice of this effect.

(c) If, after formal submission of the State plan, the Deputy Administrator for the National Preparedness Directorate is not satisfied with the adequacy of the plan or preparedness with respect to a particular site, he or she shall concurrently communicate that decision to the Governor(s) of the State(s), the NRC and the pertinent Regional Administrator(s), together with a statement in writing explaining the reasons for the decision and requesting appropriate plan or preparedness revision. Such statement shall be transmitted to the Governor(s) through the appropriate Regional Administrator(s). The Deputy Administrator for the National Preparedness Directorate shall immediately publish a notice to this effect in the FEDERAL REGISTER.

(d) The approval shall be of the State plan together with the local plans for each nuclear power facility (including out-of-State facilities) for which approval has been requested. FEMA may withhold approval of plans applicable to a specific nuclear power facility in a multi-facility State, but nevertheless approve the State plan and associated local plans applicable to other facilities in a State. Approval may be withheld for a specific site until plans for all jurisdictions within the emergency planning zones of that site have been reviewed and found adequate.

(e) Within 30 days after the date of notification of approval for a particular nuclear power facility or within 30 days of any statement of disapproval